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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LVB-OGDEN MARKETING, LLC,

9 Plaintiff,

10 v.

11 DAVID S. BINGHAM, et al.,

12 Defendants.

C18-243 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's Motion for a Temporary Restraining Order and/or Preliminary
16 Injunction, docket no. 4, is DENIED. An order detailing the Court's rationale for this
17 ruling will follow.

18 (2) The Court has reviewed the parties' Joint Status Report, docket no. 127.
19 The parties appear to agree, at least in part, that they can be ready for trial on an
20 expedited basis. *See* Joint Status Report at 5–6. Due to the complexity of this case, a
21 jury trial will be SET for Monday, April 29, 2019. A scheduling order reflecting this trial
22 date and all corresponding pre-trial deadlines will follow.

23 (3) The parties dispute whether any dispositive motion practice should proceed
in stages. Plaintiff proposes different stages of summary judgment briefing and
evidentiary hearings prior to trial. Defendants contends that a “staged” approach is
unworkable in light of the factual overlap between the parties' various claims and
defenses. The Court concludes that some additional briefing on an expedited basis would
be useful in narrowing the issues of this case, as follows:

1 A. **Stage 1: Motion for Partial Summary Judgment:** Plaintiff is
2 DIRECTED to file, no later than Thursday, September 6, 2018, a motion for
3 summary judgment concerning (i) any self-settled transfers to the Sharon Graham
4 Bingham 2007 Trust (the “Trust”); and (ii) any payments made to Defendant
5 Sharon Bingham from the Fisher Trusts. *See* Joint Status Report at 1–2 (referred
6 to as “Stage 1”). This motion should be briefed and noted in accordance with
7 Local Civil Rule 7. Each party may file one additional summary judgment motion
8 concerning any remaining issues on or before the dispositive motion deadline,
9 which will be set in the forthcoming scheduling order.

10 B. **Stage 2: Supplemental Briefing:** Each party is DIRECTED to file
11 one supplemental brief, not to exceed twenty-four (24) pages, on or before Friday,
12 September 21, 2018, addressing the following issues:

13 i. **Issue 1:** The record before the Court demonstrates that the
14 Trust holds two judgments of \$23,290,953 and \$57,617,482, respectively,
15 against the same debtors as Plaintiff. *See* Declaration of Henry W. Dean,
16 Trustee in Support of Response to Motion for Preliminary Injunction,
17 docket no. 38, Exhibit H (the “Umpqua Judgment”), Exhibit L (assignment
18 of the Umpqua Judgment), Exhibit R (the “Centrum Judgment”);
19 Declaration of R. Bruce Johnston in Opposition to Plaintiff’s Motion for
20 Preliminary Injunction, docket no. 35, Exhibit 1A (assignment of the
21 Centrum Judgment). The parties are DIRECTED to address whether there
22 is any legal or equitable reason why those judgments would not have
23 priority over Plaintiff’s judgment.

 ii. **Issue 2:** Whether Plaintiff needs an order from this Court
before it can execute on the assets of Defendant CCRB Enterprises, LLC,
SKBB Enterprises, LLC, or any other assets outside of the Trust.

 iii. **Issue 3:** Whether the Court should bifurcate the trial into two
or more stages. *See* Joint Status Report at 5–6.

Each party may file one responsive brief, not to exceed twelve (12) pages, on or
before October 5, 2018.

(4) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 17th day of August, 2018.

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William M. McCool
Clerk

s/Karen Dews
Deputy Clerk